

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA	
v.	
DEFENDANT:	
CASE NUMBER: _____	PID & EVENT NUMBER: _____
DUI COURT TRIAL WAIVER	

INSTRUCTIONS: Read this form and initial the box for each item **that applies to you**, but only if you understand it, and then **sign and date the form**. If you have any questions about your case, or the information on this form, ask your attorney or the judge.

	INITIALS
1. Right To A Trial - I understand that I have the right to a speedy, public jury trial or court trial. At a trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. I choose to give up my right to a Jury Trial and proceed with a Court Trial as outlined in the Napa County DUI Court in the High Schools Education Program Policies and Procedures Manual (also referred to as the %DUI Education Program+). I understand that the Judicial Officer may be a Judge, Commissioner or Judge Pro Tem as designated by the Court. If applicable, I stipulate that my case may be heard by a Commissioner or Judge Pro Tem.	1.
2. Right To Confront and Cross-Examine Witnesses - I understand that I have a right to see and hear all witnesses who may testify against me at the trial. I understand that I have a right to ask them questions during the trial. In the event the Prosecutor is unable to secure an expert witness from the Department of Justice, I give up my right to confront and cross-examine the expert and agree that documentary evidence of the blood or breath test analysis and results may be admitted into evidence in place of live testimony. I agree that law enforcement witnesses may testify regarding my blood or breath test results and stipulate to the foundation for such results and the chain of custody of my blood sample, if applicable.	2.
3. Right To Produce Evidence - I understand that I have a right to present evidence, to testify in my own behalf, and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.	3.
4. Right To Remain Silent - I understand that I have a right to remain silent and not incriminate myself.	4.
5. Case Disposition - I understand that participating in the DUI Court Trial in the High School Program means that I will be found guilty of the charges pending against me and sentenced at a later date. I have consulted with my attorney and I understand the nature of the charge(s) against me, the possible pleas and defenses and the maximum penalties associated with a DUI conviction. Attachment Two (DUI and Wet Reckless Offenses) contains additional consequences. In exchange for my participation in this educational program, I understand that the disposition will be as follows: _____ _____ _____	5.
6. I understand that, if I am not a United States citizen, a finding of guilty could result in my deportation, exclusion from admission to this country, or denial of naturalization.	6.

- 7. **Right to Appeal** - I understand that I have the right to appeal the final judgment of the court, and give up that right in order to participate in the DUI Court in the High School Education Program. I understand that I have a right to an official record of the court trial by electronic recording, and give up that right.
- 8. **Mandatory Appearance** - I understand that the DUI Court in the High School Education Program is designed to inform minors about the dangers and consequences of driving under the influence of alcohol and/or drugs and to expose the youth to a real-live DUI court trial either on site at the Napa Superior Court or on one or more of the Napa County High School campuses. I understand that my appearance is mandatory at the Court Trial. I also understand that if I fail to appear, the Court Trial will proceed in my absence and following the trial, a bench warrant will issue for my arrest. Additionally, I understand that my failure to appear may adversely affect my case disposition.

7.	
8.	

I have read this form and I understand each paragraph I have initialed. No one has used any threats, force, violence, duress or undue influence of any kind on me, or anyone close to me, in order to get me to give up my rights and participate in this educational program. I declare I am of sound mind and I am not under the influence of alcohol, drugs, or medication of any kind. I hereby freely and voluntarily agree to participate in the Napa County DUI Court in the High Schools Education Program.

Date	Defendant's Signature
Defendant's Telephone	Defendant's Address

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over this form and the Napa County DUI Court in the High Schools Education Program Policies and Procedures Manual with my client. I have explained each of the defendant's rights to my client and answered all of his/her questions about this form and the DUI Education Program. I have discussed the facts of the case with the defendant and have explained the nature of the charges, the elements of the offense(s), any possible defenses, the consequences and the benefits of participating in this DUI Education Program. I join in the waivers, and consent to mine and my client's participation in the DUI Education Program.

Date	Attorney's Name	Attorney's Signature
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PROSECUTOR'S STATEMENT

I am the prosecutor in this case. I have read the Napa County DUI Court in the High Schools Education Program Policies and Procedures Manual. I have reviewed the information above and consent to participate in the DUI Education Program and to the terms and conditions indicated.

Date	Attorney's Name	Attorney's Signature
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COURT'S FINDINGS AND ORDER

The Court, having reviewed this form, together with the Napa County DUI Court Trial in the High School Education Program Policies and Procedures Manual, and having questioned the defendant concerning his or her constitutional and statutory rights, finds that the defendant understands his or her rights and that the defendant expressly, knowingly, voluntarily, and intelligently waived those rights. The Court finds that the defendant understands the nature of the charges and the consequences of a finding of guilty in this matter. The Court finds the defendant's participation in the DUI Education Program is made freely and voluntarily. The Court accepts the recommended case disposition and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Date	Judge
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